

AMENDMENT UNDER 37 C.F.R. § 1.1116
U.S. Appln. No. 09/855,499

REMARKS

Claims 1-12 are all the claims pending in the application.

The Examiner maintained the rejection of claims 1-12. In particular, claims 1-12 stand rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by a PCT Publication No. WO 99/52310 to Salonaho (hereinafter “Salonaho”). Applicant respectfully traverses this rejection and respectfully requests the Examiner to reconsider this rejection in view of the following comments.

To be an “anticipation” rejection under 35 U.S.C. § 102, the reference must teach every element and recitation of the Applicant’s claims. Rejections under 35 U.S.C. § 102 are proper only when the claimed subject matter is identically disclosed or described in the prior art. Thus, the reference must clearly and unequivocally disclose every element and recitation of the claimed invention.

Of the rejected claims, only claims 1, 6, and 9 are independent. Independent claims 1, 6, and 9 include some variation of:

a reference transmission power for said adjustment is signaled to each of said base stations together with an adjustment period, and
wherein each of said base stations periodically adjusts its transmission power to said reference transmission power, at said adjustment period.

The Examiner alleges that claims 1, 6, and 9 are directed to adjusting transmission power for base stations and are anticipated by Salonaho. In particular, in response to Applicant’s arguments, the Examiner alleges that the “power correction interval” of Salonaho is equivalent to

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the “adjustment period” as set forth in claims 1, 6, and 9. Applicant respectfully disagrees. Applicant has carefully studied Salonaho’s teachings of “power correction intervals,” which are not periodic within the meaning of claim 1.

In Salonaho, the commencement of a new power correction interval is determined by the reception of an “initiation message” containing a new target power. Then, the transmission power is adjusted to this new target power within this power correction interval (page 4 lines 4-6 and page 6 lines 15-37). In other words, in Salonaho, a new target power is signaled for each new power correction interval, and the transmission power is adjusted to a new target power at each new power correction interval. In short, in Salonaho, the “initiation message” needs to be received to commence a power correction interval. That is, Salonaho does not teach or suggest an adjustment period being signaled together with a reference power and having the transmission power periodically adjusted to this same reference power at the adjustment period (different times spaced by the adjustment period). In Salonaho, the transmission power is adjusted at the power correction interval initiated by a receipt of the message. In Salonaho, there is no teaching or suggestion that the reference power is being periodically adjusted to the same reference power at the predetermined time intervals, the adjustment period.

Therefore, “a reference transmission power for said adjustment is signaled to each of said base stations together with an adjustment period, and wherein each of said base stations periodically adjusts its transmission power to said reference transmission power, at said adjustment period,” as set forth in some variation in claims 1, 6, and 9 is not taught or suggested by Salonaho, which lack periodic adjustment of the transmission power to said reference

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transmission power at the adjustment period within the meaning of claims 1, 6, and 9. For at least these exemplary reasons, Applicant respectfully submits that independent claims 1, 6, and 9 are patentably distinguishable from Salonaho. Applicant therefore respectfully requests the Examiner to withdraw this rejection of independent claims 1, 6, and 9.

Also, Applicant respectfully submits that claims 2-5 and 10 are allowable at least by virtue of their dependency on claim 1. Claims 7 and 8 are patentable at least by virtue of their dependency on claim 6 and claims 11 and 12 are patentable at least by virtue of their dependency on claim 9.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly invited to contact the undersigned attorney at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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WASHINGTON OFFICE
23373
CUSTOMER NUMBER

Date: April 15, 2005

Attorney Docket No.: Q64525